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Remarks

Concurrent with a Request for Continued Examination ("RCE") under 37 CFR § 1.114, this paper is filed in response to the Office Action mailed March 13, 2006.

Status of the Claims

Claims 1-64 are pending in the application. All claims stand rejected. Claims 1, 21, 41, and 61-64 have been amended for clarification reasons. For the reasons set forth below, Applicant submits that each of the pending claims is patentably distinct from the cited prior art and in condition for immediate allowance. Reconsideration of the claims is therefore respectfully requested.

Claims 1-4, 6, 8-11, 13-18, 21-24, 26, 28-31, 33-38, 41-44, 46, 48-51, 53-58, and 61-64 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,710,591 issued to Bruno et al. ("Bruno"). Claims 5, 7, 12, 19, 20, 25, 27, 32, 39, 40, 45, 47, 52, 59, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruno.

Claim Rejections - 35 U.S.C. § 102

Each of the pending independent claims, as amended, recites, in one form or another, caching video signals generated by a first device in response to determining that a second device is not capable of displaying video signals. Bruno fails to disclose or suggest this feature.

Storing a video signal upon determining that a device with which a communication session has been initiated is non-video-enabled is counter-intuitive to

one having ordinary skill in the art. More specifically, once a determination has been made that a device with which communication has been established is not video enabled, the intuition of someone having ordinary skill in the art would be to shut down or discard the video signal from the video-enabled device. The user of the non-video-enabled device would, after all, be unable to view the video signal due to the inherent limitations in the device he or she is using. The teachings of Bruno are in accordance with this conventional thinking.

Bruno discloses a system for recording and indexing content from a multimedia conference. As indicated by the Examiner, Bruno does allow for participation in the conference by voice-only telephones. However, Bruno contains no disclosure regarding storing a video signal in response to a determination being made that a connected device is not capable of receiving video signals. In fact, to the contrary, Bruno is clear that only those conference call participants ("accessors") that have video capability will be able to receive and view a video signal. See, e.g., col. 9, lines 55-57 ("Of course, if the accessor does have video capability, then video information can be retrieved as well.") (emphasis added); col. 9, lines 44-48 (indicating that "if the accessor does not have video capability at his workstation, the accessor may only receive data, audio and/or text . . . from the stored multimedia conference record") (emphasis added).

Any signals recorded in the Bruno system are recorded regardless of whether any of the participants have non-video-enabled communication devices. Applicant's claimed invention, by contrast, only stores signals in response to a determination being made that at least one participant in a communication has a non-video-enabled device.

Bruno therefore fails to support an anticipation rejection of the pending independent claims.

Claim Rejections - 35 U.S.C. § 103

The Examiner has taken Official Notice of several findings of fact as applied to dependent claims 5, 7, 12, 19, 20, 25, 27, 32, 39, 40, 45, 47, 52, 59, and 60. Applicant respectfully traverses these findings as applied to the aforementioned claims. Regardless of whether the referenced elements are, in and of themselves, well-known to one having ordinary skill in the art, Applicant submits that the use of these elements in the context of the claimed invention of each respective claim cannot be considered well-known. Applicant therefore respectfully submits that the limitations of the aforementioned claims provide additional bases in favor of the patentability of the pending claims.

Conclusion

In view of the foregoing, all pending claims represent patentable subject matter. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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